



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/638,835 08/14/00 WEISS

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EXAMINER

QM32/0801

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BRIGGS, W
ART UNIT

PAPER NUMBER

3722
DATE MAILED:

08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

638835

Applicant(s)

WEISS

Examiner

William Briggs

Art Unit

3722



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoi et al or Richardson or Hill or Austin.

Hosoi et al or Richardson or Hill or Austin teaches a cylindrical section attachment for a power tool having a cutting tool rotatable therein. The attachment has a first portion adapted to be secured in “an approximately dust-tight relationship” to the forward portion of the power tool and the cutting tool may be adjusted to extend beyond the end of the first attachment portion. A dust exit member, extending at an angle, which may be 90 degrees, is provided to communicate with the interior of the first attachment portion. While the devices of Hosoi et al or Richardson or Hill or Austin are not disclosed in combination with the particular “spiral saw bit” or the “slotted opening” adjustment, one possessing ordinary skill in the art would be expected to recognize that the use of various known cutting bits are useable with the power tools of Hosoi et al or Richardson or Hill or Austin and the slotted adjustment means constitute obvious design variants of similar means in the devices of Hosoi et al or Richardson or Hill or Austin that allow adjustment of the distance that the tool extends beyond the end of the attachment portion. Note also that a “slightly tapered” vacuum hose connection is common in vacuum hose connections and the use thereof for the instant vacuum attachment would not be unobvious as a design choice.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to William Briggs who may be reached at (703) 308-1739 during his normal duty hours of 7:30 a.m. to 6:00 p.m., Tuesday through Friday. Messages may be left with the Technology Center 3720 receptionist who may be reached Monday through Friday between the hours of 8:30 a.m. to 5:00 p.m. at (703) 308-1148. In order to reduce pendency and avoid potential delays, Technology Center 3720 is encouraging FAXing of responses to Office Actions directly into the Technology Center 3720 at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Technology Center 3720 will be promptly forwarded to the examiner.



WILLIAM BRIGGS
PRIMARY PATENT EXAMINER
ART UNIT 3722